BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of a Working Docket to Address)
Effective Cybersecurity Practices for Protecting) File No. EW-2013-0011
Essential Electric Utility Infrastructure)

EMPIRE'S MOTION FOR WAIVER OR VARIANCE

COMES NOW The Empire District Electric Company (Empire) and, as its Motion For Waiver or Variance, respectfully state as follows to the Missouri Public Service Commission (Commission):

- On February 8, 2013, pursuant to Commission Order, the Staff of the Commission (Commission) filed its Staff Report. That Report, in compliance with Commission Order, was identified as Highly Confidential in accordance with Commission Rule 4 CSR 240-2.135.
- 2. Commission Rule 4 CSR 240-2.135(5) states that "highly confidential information may be disclosed only to the attorneys of record, or to outside experts that have been retained for the purpose of the case." Consequently, Empire employees are unable to view the Staff Report.
- 3. Commission Rule 4 CSR 240-2.135(23) states that the "commission may waive or grant a variance from any provision of this rule for good cause shown."
- 4. Without waiver or variance from Commission Rule 4 CSR 240-2.135, Empire personnel will be unable to view the Staff's recommendations or participate in discussions concerning those recommendations. This situation would seem to thwart the purpose of the docket and the Commission's effort.

5. Accordingly, Empire believes that good cause exists for a waiver or variance from Commission Rule 4 CSR 240-2.135 for the purpose of this matter. Empire proposes that such waiver or variance allow Empire's counsel to provide the Staff Report to Empire employees who are working as subject-matter experts in regard to this docket.

WHEREFORE, Empire respectfully requests that the Commission grant this Motion for Waiver or Variance as described herein.

Respectfully Submitted,

Dean L. Cooper

#36592

Brydon, Swearengen & England P.C.

312 East Capitol Avenue

P.O. Box 456

Jefferson City, MO 65102-0456

Telephone: 573-635-7166 Facsimile: 573-636-6450

E-mail: dcooper@brydonlaw.com

ATTORNEYS FOR THE EMPIRE DISTRICT ELECTRIC COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on February 14, 2013, to the following:

Jennifer Hernandez
Office of the General Counsel
jennifer.hernandez@psc.mo.gov

Carl Lumley clumley@lawfirmemail.com

James Swearengen <u>Irackers@brydonlaw.com</u> Lewis Mills Office of the Public Counsel lewis.mills@ded.mo.gov

Roger Steiner

roger.steiner@kcpl.com

Wendy Tatro

AmerenMOService@ameren.com

Q1.Com

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